

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

_____)	
UNITED STATES OF AMERICA)	
and the MICHIGAN DEPARTMENT)	
OF ENVIRONMENT, GREAT LAKES,)	
AND ENERGY)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 23-cv- _____
R.J. TORCHING, INC., aka RJ Industrial)	
LLC or RJ Industrial,)	
)	
Defendant.)	
_____)	

**EXHIBIT J TO COMPLAINT: EGLE
NOTICE OF VIOLATION-9/18/2023**



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING DISTRICT OFFICE



PHILLIP D. ROOS
DIRECTOR

September 18, 2023

Jason Roughton, President
RJ Industrial Recycling
5061 Energy Drive
Flint, Michigan 48505

SRN: N7885, Genesee County

Dear Jason Roughton:

VIOLATION NOTICE

On August 30, 2023, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of R.J. Torching, Inc. (R.J. Torching) located at G-5167 N. Dort Highway, Flint, Michigan. The purpose of this inspection was to determine R.J. Torching's compliance with the requirements of the federal Clean Air Act; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the Air Pollution Control Rules; and to investigate odors and smoke which were detected from offsite.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Torch cutting of steel near outer edge of rolling enclosure	Rule 910	Excessive visible emissions from the rolling enclosure indicated that the air-cleaning device was not being properly operated.
Torch cutting of steel near outer edge of rolling enclosure	Administrative Consent Order ACO-EPA 5-15-113(a)-MI-02, Paragraph 22	Excessive visible emissions did not reflect best management practices.

On August 30, 2023, the AQD staff observed from onsite that torch cutting was occurring inside the rolling enclosure, which is exhausted to two, rebuilt SPARCS control devices. However, dense gray and brown smoke was exiting the west side of the enclosure at 80 percent opacity.

Jason Roughton, President
RJ Industrial Recycling
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As the AQD attempted to find a yard manager, opacity of tan smoke from the west side of the enclosure was observed to reach 90% opacity several feet from the enclosure, and 100% opacity immediately adjacent to the enclosure. Brown and gray smoke was seen to be exiting the south rebuilt SPARCS device at an opacity of 35%.

This constitutes a violation of Rule 910 of the administrative rules promulgated under Act 451, which requires that an air-cleaning device shall be installed, maintained, and operated in a satisfactory manner, and in accordance with the administrative rules and existing law.

The torch cutting process ceased operating before the AQD could conduct visible emissions readings. However, the heavy smoke which the AQD witnessed would not be expected to comply with Rule 301 of the administrative rules, which limits opacity to a 6-minute average of 20% opacity, except for one 6-minute average per hour of not more than 27% opacity.

Additionally, the cited is also enforceable of United States Environmental Protection Agency (USEPA) Consent Order 5-15-113(a)-MI-02, paragraph 22 of Appendix A.

Paragraph 22 states, "By the effective date of this Order, RJ shall comply with the best management practices for torch-cutting operations, as described in Appendix A, at its Battle Creek and Flint facilities." The opacity, which was observed on August 30, 2023, does not represent best management practices.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by October 9, 2023, (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violations occurred; an explanation of the causes and duration of the violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violations and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

Please submit the written response to Daniel McGeen at EGLE, AQD, Lansing District, at Constitution Hall, P.O. Box 30242, First Floor South, Lansing, Michigan 48909 or mcgeend@michigan.gov and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If R.J. Torching believes the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

Jason Roughton, President
RJ Industrial Recycling
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Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my inspection of R.J. Torching. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,



Daniel A. McGeen
Environmental Quality Analyst
Air Quality Division
517-648-7547

cc: David Sutlin, USEPA
Louise Gross, USEPA
Manojkumar Patel, USEPA
Steven Ellis, US Department of Justice
Nadia Hamade, Michigan Department of Attorney General
Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Bob Byrnes, EGLE